

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Elisabeth A. Shumaker  
Clerk of Court

December 02, 2019

Chris Wolpert  
Chief Deputy Clerk

Mr. William P. Earley  
Office of the Federal Public Defender  
Western District of Oklahoma  
215 Dean A. McGee Avenue, Suite 109  
Oklahoma City, OK 73102

**RE: 19-6175, United States v. Pedro**  
Dist/Ag docket: 5:19-CR-00111-R-1

Dear Counsel:

As appointed counsel, you are required to file a designation of record with the district court. You must also file a copy with this court. Under 10th Cir. R. 10.3(A)(1), that designation must be filed within 14 days of filing the notice of appeal. If you have not done so already, you should file the designation immediately.

In addition, and also within 14 days of filing the notice of appeal, all appointed counsel must file *either* a motion to continue the CJA appointment or a motion to withdraw. *See* 10th Cir. R. 46.3(B). Any motion to withdraw must comply with 10th Cir. R. 46.4(A).

Under 10th Cir. R. 10.3(A)(2), the government may file an additional designation within 14 days after service of appellant's designation. Once that time passes, the district court will complete assembly of the record. The district court clerk will transmit the record to this court and will notify the parties. *See* Fed. R. App. P. 11(b)(2); 10th Cir. R. 11.2(A).

The opening brief is due forty days after the appellate record is filed. *See* Fed. R. App. P. 31(a)(1); *see also* 10th Cir. R. 31.1(A).

Briefs must satisfy all requirements of the Federal Rules of Appellate Procedure and Tenth Circuit Rules with respect to form and content. *See* specifically Fed. R. App. P. 28 and 32 and 10th Cir. R. 28.1, 28.2 and 32, as well as 31.3 when applicable. As applicable, we encourage all counsel to be familiar with 10th Cir. R. 46.4(B). Seven hard copies of briefs must be provided to the court within two days of filing via the court's Electronic Case Filing system. *See* 10th Cir. R. 31.5 and the court's [CM/ECF User's Manual](#).

Counsel are encouraged to utilize the court's [Briefing & Appendix checklist](#) when compiling their briefs.

Motions for extension of time to file briefs must comply with 10th Cir. R. 27.1 and 27.6. These motions are not favored.

Thank you very much for your service to the court in your role as appointed counsel. If you are unfamiliar with the court's procedures or have questions, please call this office. In addition, you might also call the Appellate Division, created by the court to handle appeals circuit-wide, of the Office of the Federal Public Defender in Denver. That number is 303-294-7002. One of the appellate assistants will be happy to help you.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

Elisabeth A. Shumaker  
Clerk of the Court

cc: Mary Elizabeth Walters

EAS/jm